

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**EMAD ALABASI
1512 Jaeger Drive
Lyndhurst, Ohio 44124**

and

**YANA ALABASI
1512 Jaeger Drive
Lyndhurst, Ohio 44124**

**Plaintiffs,
vs.**

JUDGE

**CITY OF LYNDHURST
5301 Mayfield Road
Lyndhurst, Ohio 44124**

**COMPLAINT
JURY DEMAND**

and

**CITY OF LYNDHURST
POLICE DEPARTMENT
5301 Mayfield Road
Lyndhurst, Ohio 44124**

and

**CITY OF LYNDHURST
FIRE DEPARTMENT
5301 Mayfield Road
Lyndhurst, Ohio 44124**

and

JOHN DOE

Defendants.

Now come the Plaintiffs, by and through undersigned counsel, Eric D. Hall, and for their
Complaint state as follows:

1. Defendant City of Lyndhurst, (Hereinafter referred as Defendants) is a city located in Cuyahoga County, State of Ohio.
2. Defendant City of Lyndhurst Police Department and Defendant City of Lyndhurst Fire Department are departments of the Defendant City of Lyndhurst.
3. Plaintiffs Emad Alabasi and Yana Alabasi, (Hereinafter referred as “Plaintiffs”) are residents of the City of Lyndhurst, State of Ohio. Plaintiff Emad Alabasi is an Iraqi immigrant and United States citizen. Plaintiff Yana Alabasi is a Russian immigrant and United States citizen.
4. That on or about January 4, 2018, Plaintiffs and their family were cooking on an outdoor grill at their home in the City of Lyndhurst.
5. That while Plaintiff’s were cooking outside a police officer of the Defendant City of Lyndhurst Police Department arrived at Plaintiff’s home regarding a neighbor's complaint about Plaintiff’s outdoor cooking. Plaintiff’s did not call the police.
6. The officer observed Plaintiff’s outdoor cooking, made a brief inquiry with Plaintiffs, then left Plaintiff’s residence.
7. That shortly thereafter, numerous officers of the Defendant City of Lyndhurst Police Department arrived at Plaintiff’s residence along with the Defendant City of Lyndhurst Fire Department. A police officer at the scene told Plaintiffs that their food looked to be finished cooking. The Defendant Lyndhurst Fire Department then extinguished Plaintiffs’ outdoor grill. Plaintiffs recorded the audio and video of the incident.
8. That Plaintiff’s were threatened by the Defendants that if they cooked outdoors again they would be charged with a violation of City of Lyndhurst Municipal Code Section 642.12 Criminal Trespass.

9. That Defendants acting under the color of state law deprived Plaintiffs of rights, privileges, or immunities guaranteed under federal law or the United States Constitution.
10. Plaintiffs suffered damage, injury and loss as a result of Defendants' actions. Defendants' conduct was extreme and outrageous and intended to cause Plaintiff serious emotional distress.

COUNT I

(Intentional Infliction of Emotional Distress)

11. The allegations of Paragraphs 1 to 10 are herein incorporated by reference.
12. Defendants' actions against Plaintiffs resulted in the intentional infliction of emotional distress on Plaintiffs.
13. As a direct and proximate result of Defendants' actions, Plaintiffs have suffered injury, damage, and loss.

COUNT II

(Violation of 42 U.S.C. Section 1983)

14. As a further and separate cause of action Plaintiffs state as follows:
15. The allegations of Paragraphs 1 through 14 are herein incorporated by reference.
16. Defendants acting under the color of state law deprived Plaintiffs of rights, privileges, or immunities guaranteed under federal law or the United States Constitution.
17. As a direct and proximate result of Defendant's actions, Plaintiffs suffered injury, including emotional distress and other damage.

COUNT III

(National Origin Discrimination)

18. As a further and separate cause of action Plaintiffs state as follows:

19. The allegations of Paragraphs 1 through 18 are herein incorporated by reference.

20. Defendants discriminated against Plaintiff's because of their national origin.

21. As a direct and proximate result of Defendants' actions, Plaintiffs suffered injury, including emotional distress and other damage.

WHEREFORE, Plaintiffs demand judgment against Defendants jointly and severally for compensatory damages in a sum in excess of Seventy-Five Thousand Dollars (\$75,000.000) for liquidated/punitive damages as determined at trial, together with reasonable attorney fees, interest according to law and the costs of this action.

Respectfully Submitted,

/s/ Eric D. Hall

Eric D. Hall, #0067566
Attorney for Plaintiffs
P.O. Box 232
Medina, Ohio 44258
(330) 245-7504
attorneyhall@yahoo.com

JURY DEMAND

A TRIAL BY JURY IS HEREBY ON ALL ISSUES SO TRIABLE.

/s/ Eric D. Hall

Eric D. Hall, #0067566
Attorney for Plaintiffs